



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

 SEABROOK EMPLOYEES ASSOCIATION *
 *
 Complainant *
 v. *
 TOWN OF SEABROOK *
 Respondent *

CASE NO. M-0575:5
 DECISION NO. 87-06

APPEARANCES

Seabrook Employees Association Representative

Cora Stockbridge, President

Town of Seabrook Representative

Gary W. Holmes, Esq., Counsel

BACKGROUND

The Seabrook Employees Association ("Association") filed an improper practice charge against the Town of Seabrook ("Town") on August 19, 1986, alleging a violation of RSA 273-A:5, I, a, interfering with rights guaranteed by law and also by "...implementing substantial changes in working conditions of employees..." by failing to post a notice of a vacancy in the position of Health Officer. The Association specifically charged that the Town declined to renew their recommendation of Walter I. Randall for the position of Health Officer (see M-0575:4, Decision 87-04) a position within bargaining Unit B represented by the Seabrook Employees Association. The Association alleges that the Town subsequently appointed Robert S. Moore as Health Officer without properly posting the job opening as required by Town Personnel Policy. The Association also filed a grievance under Town Personnel Policy and claimed the Town failed to complete the grievance procedure.

The Town of Seabrook answered that they had not renominated Randall as Health Officer, a position within Unit B, and that the "nomination" of Robert S. Moore followed. The Town denied that a part-time position such as Health Officer, was covered by the Town's Personnel Policy and further that since the position did not amount to a "promotional opportunity" it was not covered by the Town's Policy. The Town further alleged that it had agreed with the Association to waive the ten day requirement for a written grievance answer and was not in violation of its grievance procedure. The Town also argued that the PELRB had already ruled that "...in matters concerning the grievance procedure and the Town's Personnel Policy..." the Board of Selectmen had final binding authority over all grievances

(see M-0575:3, Decision 86-22). The Town further stated its intention to post the position of Health Officer in accordance with the Town's Personnel Policy "...as a matter of expediency".

A hearing was held on November 20, 1986 at the Seabrook Town Hall with all parties represented.

FINDINGS OF FACT

At the hearing the PELRB learned that the Town had, following the filing of its answer, "posted" the position of Health Officer, although claiming it was not necessary. Two persons applied for the position and the man who had been appointed (Moore) was re-appointed.

RULINGS OF LAW

The PELRB finds that the grievance in this matter was admitted by the Town and the Town did subsequently follow its "posting" procedures and appoint a Health Officer. The issue is therefore moot and no unfair labor practice has been committed.

DECISION

Complaint is hereby dismissed.


ROBERT E. CRAIG, CHAIRMAN

Signed this 2nd day of February, 1987.

By unanimous vote. Chairman Robert E. Craig presiding, members James Anderson, Richard Molan, Seymour Osman and Richard Roulx present and voting. Also present Evelyn C. LeBrun, Executive Director.